

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.
Table of Allotments) RM-_____
FM Broadcast Stations)
(Beaumont and Dayton, Texas))
)
)
)
TO: Chief, Allocations Branch)

RECEIVED

JAN - 4 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

KXTJ License, Inc., ("KXTJ"), licensee of Station KXTJ(FM), Channel 300C, Beaumont, Texas, by its attorneys and pursuant to Section 1.420(i) of the Commission's Rules, hereby petitions the Commission for the reallocation of Channel 300C to Dayton, Texas, as the community's first local aural service, and modification of the Station KXTJ license to specify Dayton as the community of license. KXTJ will apply for the channel if it is reallocated to Dayton.

Introduction

Section 1.420(i) of the Commission's Rules permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. This modification may be made so long as the proposed allotment is mutually exclusive with the licensee's present assignment. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989),

recon. granted in part, 5 FCC Rcd 7094 (1990) (“Modification Report and Order”). The requested reallocation of Channel 300C to Dayton, which involves no transmitter site change by KXTJ, is mutually exclusive with the current allotment of Channel 300C at Beaumont. Accordingly, KXTJ may petition the Commission to reallocate Channel 300C to Dayton without affording an opportunity to other parties to file competing expressions of interest in the Dayton allotment. 47 C.F.R. 1.420(i).

Amending the Table of Allotments to reallocate Channel 300C to Dayton will serve the public interest, convenience and necessity by providing Dayton with its first local transmission service, while not depriving Beaumont of its only local transmission service, as Beaumont will continue to be served by 10 radio stations. In support of this request, KXTJ states as follows:

Technical Analysis

KXTJ proposes to utilize its currently-authorized site (30-03-05; 94-31-37) for Channel 300C at Dayton.¹ Consequently, the proposed reallocation is mutually exclusive with KXTJ's current operation, and there are no issues of service loss or gain areas created by this proposal.

KXTJ recognizes that its current site is short-spaced in two respects under Section 73.215 of the Commission's Rules (3.6 kilometers to Station KTBQ, and 4.5 kilometers to Station KRXZ). See Exhibit 1. However, KXTJ submits that the policy established in Newnan and Peachtree City, Georgia, 7 FCC Rcd 6307 (1992), and put forth for public comment in Sugar Hill and Toccoa, Georgia, (MM Docket No. 98-162, RM-9263), should be applied in this case. That is, reallocation of a short-spaced station to a new community should be permitted where no site change is proposed

¹ On December 17, 1998, KXTJ filed an application for modification of its facilities to specify a new transmitter site.

and thus no new short-spacings are created, no existing short-spacing would be exacerbated, and the potential for interference would not be increased²

In the alternative, KXTJ requests a waiver of Section 73.207 the Commission's Rules to permit a new, short-spaced allotment at Dayton. A waiver is justified in this case because no site change is proposed and, accordingly, no new short-spacings will be created, no existing short-spacing will be exacerbated, and the potential for interference will not be increased by the reallocation of Channel 300C to Dayton. Rather, the status quo, and thus the integrity of the FM Table of Allotments, will be preserved.

Compliance with the FCC's Prerequisites and FM Allotment Priorities

In addition to mutual exclusivity between the proposed and current allotments, there are two other prerequisites to Commission approval of a city of license change request: 1) the former community shall not be deprived of its only existing local aural transmission service (except in limited circumstances); and 2) the modification shall result in a net service benefit for the communities involved (i.e., "a preferential arrangement of allotments") under current FM allotment priorities. Modification Report and Order, 4 FCC Rcd at 4874. The instant proposal meets both requirements.

First, reallocation to Dayton will not deprive Beaumont of its only existing transmission service. As demonstrated in Exhibit 1, Beaumont currently has 11 local transmission services. If Channel 300C is reallocated to Dayton, Beaumont will continue to have 10 local transmission services. Clearly grant of this request will not deprive Beaumont of its sole local service.

² KXTJ filed Comments in support of the policy proposed in the Sugar Hill and Toccoa, Georgia, proceeding on November 2, 1998.

Second, reallocation of Channel 300C to Dayton will result in a preferential arrangement of allotments. The FCC's FM allotment priorities are: 1) first aural service; 2) second aural service; 3) first local service; and 4) other public interest matters. Equal weight is given to priorities 2) and 3). Revision of FM Assignment Policies and Priorities, 90 FCC 2d 88, 90 - 93 (1988). Because both Dayton and Beaumont have more than two aural reception services (See Exhibit 1), provision of a first local transmission service (priority 3) is the most significant factor to be considered in this case.

In a comparison of Dayton and Beaumont under priority 3, Dayton clearly prevails. The proposed reallocation would provide Dayton with its first local service; Beaumont already has 11. The Commission has long recognized the importance of providing a community such as Dayton with its first local transmission service. See Atchison, Horton, and Wathena, Kansas, 7 FCC Rcd 4645 (MMB 1992) (provision of first local transmission service preferred over provision of second such service); Alegria I, Inc., 61 RR 2d 136 (Rev. Bd. 1986), recon. denied, 2 FCC Rcd 1762 (Rev. Bd. 1987) (to same effect). In the above cases, the Commission's Allocations Branch and Review Board consistently favored the provision of a first local service over additional service. Likewise in this case, providing a first local service at Dayton should be preferred over continuing to provide an 11th such service at Beaumont.

Dayton is an Independent Community

KXTJ recognizes the Commission's concern with the potential migration of stations from underserved rural areas to well-served urban areas. In this case, however, KXTJ is proposing just the opposite: reallocation from an urban location, Beaumont, to the city of Dayton, which is not located in an Urbanized Area.

However, because KXTJ is proposing no transmitter site change, the station's 70 dBu contour will continue to cover more than 50% of the Beaumont, as well as the Port Arthur, Urbanized Areas. (See Exhibit 1.) Under such circumstances, the Commission will examine the proposed reallocation to ensure that the proposed community is sufficiently independent of the Urbanized Area(s) to warrant its own local service. See Headland, Alabama, and Chattahoochee, Florida, 10 FCC Rcd 10342 (1995). In conducting such an examination, the Commission will review the following criteria: (1) signal population coverage; (2) size of the suburban community relative to the adjacent city; and (3) the interdependence of the suburban community with the central city. See Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

Signal Population Coverage. Analysis under this criterion is not relevant in this case. As stated above, because KXTJ proposes no transmitter site change, there are no issues of service loss or gain areas. At its current site, KXTJ will continue to provide a 70 dBu signal over both the Beaumont and Port Arthur Urbanized areas. The station will also provide a 70 dBu signal over the entire City of Dayton, as well as over most of Liberty County.

Size of Communities. As of 1990 U.S. Census figures, Dayton had a population of 5,151, Beaumont had a population of 114,323, and Port Arthur had a population of 58,551. By 1996, the population of Dayton has increased by more than 20%, to 6,197, while the population of both Beaumont and Port Arthur decreased (to 111,224 and 57,703, respectively). Thus, by 1996 the population of Dayton was approximately 5.57% of that of Beaumont, and 10.74% of that of Port Arthur. Awarding a first local service preference to a community with as little as 5.57% of the population of the larger cities is consistent with Commission precedent. See, e.g., Ada, Newcastle and Watonga, Oklahoma, 11 FCC Rcd 16896 (1996) (suburb had 0.9% of population); Bay St. Louis and Poplarville, Mississippi, 10 FCC Rcd 13144 (1995) (4.48%); Scotland Neck and Pinetops, North

Carolina, 7 FCC Rcd 5113 (1992) (3.08%); D'Iberville and Wiggins, Mississippi, 10 FCC Rcd 10796 (1995) (3.66%). Moreover, the public interest favors reallocation to a growing, thriving community, such as Dayton, over continued allocation to a community declining in population.

Interdependence of Communities/Independence of Dayton. The Commission has stated that the first two criteria, while pertinent, have less significance than evidence of the interdependence of the communities. See e.g., Clovis and Madera, California, 11 FCC Rcd 5219 (1996); Coolidge and Gilbert, Arizona, 11 FCC Rcd 3610 (1996). The Commission considers the following factors in assessing interdependence/independence: 1) the extent to which community residents work in the larger metropolitan area, rather than in the smaller community; 2) whether the smaller community has its own newspaper or other media that address the community's local needs and interests; 3) whether the community's leaders and residents perceive the smaller community as being an integral part of, or separate from, the larger metropolitan area; 4) whether the smaller community has its own local government and elected officials; 5) whether the smaller community has its own telephone book or zip code; 6) whether the community has its own commercial establishments, health facilities and transportation systems; 7) the extent to which the smaller community and the larger city are part of the same advertising market; and 8) the extent to which the smaller community relies on the larger city for various municipal services, such as police, fire protection, schools and libraries.³

Dayton exhibits a convincing majority of these characteristics of independence. As an initial matter, Dayton is geographically distinct. Dayton is not contiguous to Beaumont or Port Arthur. In fact, it is located approximately 76 kilometers from Beaumont, and approximately 94 kilometers from Port Arthur. See Exhibit 1.

³ See Faye and Richard Tuck, supra, at 5378.

The City of Dayton has its own local government, with an elected mayor, City Manager, and City Council. The Council oversees departments providing the community with water and sewer systems, garbage collection and sanitation systems, street construction and upkeep. Dayton has its own post office and zip code (77535), and a local telephone directory, which is shared with the neighboring city of Liberty, Texas. The local newspaper, The Liberty Vindicator, is published in Dayton three times a week. Dayton has local bus service, provided by Kerrville Bus Lines. The city has its own police department and its own volunteer fire department. The Dayton Independent School District operates two elementary schools, one junior high and one high school. Dayton also has its own public library. Dayton is home to numerous medical facilities, banks, and other commercial businesses, as well as recreational facilities, churches, civic organizations, and seasonal activities. See Exhibit 2.

In short, Dayton is not a part of the greater Beaumont or Port Arthur communities, but an independent city, home to its own government, businesses, schools and services and, consequently, to issues of concern to local residents not shared by its larger city neighbors. As such, Dayton is precisely the type of community intended to be favored under the Commission's allotment priorities, as reallocation will provide service to a community deserving of, but currently without, local radio service. Accordingly, Commission policy and the public interest weigh in favor of providing a first local service to Dayton, as compared to maintaining 11 local services in Beaumont.

Conclusion

In sum, KXTJ requests that the Commission grant the instant petition for rule making and amend the FM Table of Allotments to reallocate Channel 300C, currently licensed to Beaumont, Texas, to Dayton, Texas, as its first local aural service. KXTJ further requests that the Commission amend

the license of Station KXTJ(FM) to specify operation at Dayton, and submits that it will apply for the channel if reallocated as requested herein.

Respectfully submitted,

KXTJ LICENSE, INC.

By: Mary L. Plantamura
Lawrence Roberts
Mary L. Plantamura

Davis Wright Tremaine LLP
1155 Connecticut Ave., N.W.
Suite 700
Washington, D.C. 20036
(202) 508-6600

January 4, 1999

EXHIBIT 1

TECHNICAL STATEMENT
SUPPORTING A PETITION FOR RULE MAKING
TO CHANGE CITY OF FM ALLOTMENT

This Technical Statement supports a Petition for Rule Making (PRM) from KXTJ License, Inc. to change the city of allotment for FM broadcast station KXTJ on channel 300C (107.9 MHz) from Beaumont, Texas to Dayton, Texas.

Section 73.202 of the Federal Communications Commission (FCC) rules currently shows channel 300C allotted to Beaumont, Texas. It is proposed to change the city for this channel 300C allotment to Dayton, Texas. Since this PRM does not contemplate a change in the KXTJ transmitter site, the geographic coordinates for the current KXTJ site have been assumed for the proposed Dayton allotment (30-03-05, 94-31-37).

According to 1990 US Census information for Texas, Dayton is an incorporated city located in Liberty County. The Dayton population is 5,151 people (1990 census). The city of Dayton is located approximately 76 kilometers (47 miles) west of Beaumont, Texas and approximately 94 kilometers (58 miles) west-northwest of Port Arthur, Texas.

A review of the FCC broadcast databases has been undertaken to determine the broadcast stations assigned to Beaumont, Texas and Dayton, Texas. The following is a list of the broadcast assignments to Beaumont, Texas.

<u>Call</u>	<u>Service</u>	<u>Channel</u>	<u>Technical Facilities</u>
KLVI	AM-Lic.	560 kHz	5 kW, DA-N, U
KZZB	AM-Lic.	990	1 kW, DA-1, U
KRCM	AM-Lic.	1380	1 kW-D, 0.127 kW-N, ND, U
KAYD	AM-Lic.	1450	1 kW, ND, U
New	FM-App.	201C3	25 kW-DA, 66 m
New	FM-App.	203C3	12 kW, 111 m
KTXB	FM-Lic.	209C2	9 kW, 173 m
KVLU	FM-Lic.	217C2	40 kW, 137 m
KQXY-FM	FM-Lic.	231C1	100 kW, 183 m
KYKR	FM-CP	236C	100 kW, 326 m
KYKR	FM-Lic.	236C1	100 kW, 128 m
KYKR	FM-App.	236C1	100 kW, 131 m
KAYD-FM	FM-Lic.	248C1	100 kW, 143 m
KTCX	FM-Lic.	273C2	50 kW, 150 m
KXTJ	FM-Lic.	300C	100 kW-DA, 551 m
K277AG	FX-Lic.	277D	0.25 kW-DA, 82 m (FM Tran.)
KFDM-TV	TV-Lic.	6	100 kW, 293 m
KBMT	TV-Lic.	12	316 kW-DA, 305 m
KITU	TV-Lic.	*34	1170 kW-DA, 312 m
K09VO	LPTV-Lic.	9	0.059 kW, 131 m
K21DT	LPTV-CP	21	20 kW-DA, 117 m
K46CM	LPTV-Lic.	46	12.6 kW-DA, 161 m

There are 4 authorized AM stations, 7 authorized FM stations (2 non-commercial, 5 commercial), 3 authorized TV stations (2 commercial, 1 non-commercial), 1 authorized FM translator, and 3 authorized low power television (LPTV) stations. It is obvious that changing channel 300C's city of allotment from Beaumont to

Dayton will not remove the only radio service assigned to Beaumont.

There are no AM, FM, TV, FM translators and LPTV stations assigned to Dayton, Texas at this time. This includes consideration of authorized operations, pending applications, and petitions for rule making. There are 7 authorized FM stations and 7 authorized AM stations licensed to other cities and providing city grade service to Dayton, Texas (3.16 mV/m for FM stations and 5 mV/m for AM stations). The FM and AM stations are listed below.

<u>Call</u>	<u>Location</u>	<u>Service</u>	<u>Channel</u>	<u>Technical Facilities</u>
KSBJ	Humble, TX	FM-Lic.	207C1	100 kW, 255 m
KKHT	Conroe, TX	FM-Lic.	295C	100 kW, 579 m
KOVE-FM	Port Arthur, TX	FM-Lic.	227C	100 kW, 595 m
KHYS	Port Arthur, TX	FM-Lic.	253C	100 kW, 595 m
KRTX-FM	Winnie, TX	FM-Lic.	264C	100 kW, 595 m
KXTJ	Beaumont, TX	FM-Lic.	300C	100 kW-DA, 551 m
KKTL	Cleveland, TX	FM-CP	246C	100 kW, 563 m
KTRH	Houston, TX	AM-Lic.	740 kHz	50 kW, DA-2, U
KCHN	Liberty, TX	AM-Lic.	1050	0.25 kW, DA-D
KWWJ	Baytown, TX	AM-Lic.	1360	5 kW-D, 1 kW-N, DA-2
KGOL	Humble, TX	AM-Lic.	1180	50 kW-D, 1 kW-N, DA-2
KPRC	Houston, TX	AM-Lic.	950	5 kW, DA-N, U
KXYZ	Houston, TX	AM-Lic.	1320	5 kW, DA-N, U
KBME	Houston, TX	AM-Lic.	790	5 kW, DA-2, U

Figure 1 is a separation study for channel 300C at the current KXTJ site. As shown, there are 2 short-spacings. The first is a 3.6 kilometers (2.3 miles) short-spacing with station KTBQ on channel 299C2 (107.7 MHz) at Nacogdoches, Texas. The current KXTJ operation employed Section 73.215 of the FCC rules for this separation. The second short-spacing is 4.5 kilometers (2.8 miles) with station KRXZ on channel 300C1 at Erath, Louisiana. Station KRXZ employed Section 73.215 of the FCC rules for this separation.

Figure 2 is a map showing the minimum separation arcs in accordance with Section 73.207 of the FCC rules from pertinent surrounding assignments. The KXTJ site is identified. As shown, there currently is no area meeting all of the FCC's minimum separation requirements for channel 300C, regardless of the city of allotment. It is believed the FCC's decision in the Report and Order in MM Docket No. 90-138 (Newnan and Peachtree City, Georgia) is applicable to the instant case since no change in KXTJ's site is contemplated with this PRM, and the current KXTJ operation provides a predicted 3.16 mV/m (70 dBu) signal over all of Dayton (See Figure 3).

A review of the 1990 US Census information for Texas indicates there are 5 urbanized areas near the KXTJ predicted 3.16 mV/m (70 dBu) service area. These 5 census designated urbanized areas in Texas are: Beaumont, Galveston, Houston, Port Arthur, and Texas City. Figure 4A shows these urbanized areas in relation to KXTJ's present 3.16 mV/m contour.

The present KXTJ 3.16 mV/m contour encompasses all of the Beaumont urbanized area. This is expected since Beaumont is the current city of allotment for KXTJ.

The present KXTJ 3.16 mV/m contour does not encompass any of the Galveston urbanized area.

Figure 4B is a map from the 1990 US Census book for Texas showing the Houston urbanized area (shaded). A portion of the KXTJ predicted 3.16 mV/m contour is also shown. Although the KXTJ 3.16 mV/m contour covers some of the Houston urbanized area (about 15%), it obviously covers much less than 50% of the Houston urbanized area.

Figure 4C is a map from the 1990 US Census book for Texas showing the Port Arthur urbanized area (shaded). A portion of the KXTJ predicted 3.16 mV/m contour is included. The KXTJ 3.16 mV/m contour encompasses all of the Port Arthur urbanized area. This is somewhat expected since Port Arthur is located just south of Beaumont, KXTJ's current city of allotment.

Figure 4D is a map from the 1990 US Census book for Texas showing the Texas City urbanized area (shaded). A portion of the KXTJ predicted 3.16 mV/m contour is identified. The KXTJ 3.16 mV/m contour does not encompass any of the Texas City urbanized area.

In summary, it is believed the foregoing provides sufficient justification for the FCC to reallocate FM channel 300C from Beaumont, Texas to Dayton, Texas.



John A. Lundin
du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, FL 34237-6019

(941) 329-6000

December 17, 1998

TECHNICAL STATEMENT
SUPPORTING A PETITION FOR RULE MAKING
TO CHANGE CITY OF FM ALLOTMENT

FM SEPARATION STUDY

Job Title :KXTJ(FM) Present Site

Separation Buffer 100 km

FCC DB Date : 12/14/98

Channel 300C (107.9 MHz)

Coordinates : 30-03-05 94-31-37

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KKTL CP amended 4/02/1998	Cleveland TX	BPH970917IZ	246C 97.1	100. 563.0	30-32-06 95-01-04	318.9	71.45	48 CLEAR
KKTL LIC	Cleveland TX	BLH980226KC	246C 97.1	100. 300.0	30-32-06 95-01-05	318.9	71.47	48 CLEAR
K247AF LIC Translator for KSBJ, Humble, TX.	Galveston TX	BLFT970616TC	247D 97.3	.180 115.0	29-19-28 94-47-08	197.2	84.38	0 TRANS
KJAS APP From Channel 297A-One Step Application	Jasper TX	BPH970918IA	297C3 107.3	25. 100.0	30-53-54 94-05-03	24.1	103.08	96 CLEAR
ALC Reserved for KJAS per One-Step Application 970918IA	Jasper TX		297C3 107.3	25. .0	30-53-54 94-05-03	24.1	103.08	96 CLEAR
KJAS LIC *To amend to Channel 297C3 per One Step Application 970918IA	Jasper TX	BLH960911KE	297A 107.3	6. 100.0	30-58-31 93-59-24	26.5	114.67	95 CLEAR
PDEL Petition for Recon D91-58 950804-Petition Denied 960509-Application for Review 960610	College Station TX	RM7419	297C3 107.3	.0	30-39-00 96-10-08	293.3	171.26	96 CLEAR
KTBZ LIC	Lake Jackson TX	BLH860925KF	298C 107.5	98. 601.0	29-17-16 95-13-53	218.9	108.70	105 CLEAR
KRAW CPM One-Step Application from Channel 297C3	Lake Arthur LA	BMPH961023IA	298C2 107.5	50.0 141.0	30-12-07 92-56-47	83.3	153.23	105 CLEAR
KTBQ LIC	Nacogdoches TX	BLH891101KB	299C2 107.7	50. 150.0	31-42-30 94-41-23	355.2	184.36	188 -3.64 SHORT
KXTJ LIC	Beaumont TX	BLH901213KA	300C 107.9	100. 551.0	30-03-05 94-31-37	.0	.00	

TECHNICAL STATEMENT
SUPPORTING A PETITION FOR RULE MAKING
TO CHANGE CITY OF FM ALLOTMENT

FM SEPARATION STUDY

Job Title :KXTJ(FM) Present Site Separation Buffer 100 km
FCC DB Date : 12/14/98
Channel 300C (107.9 MHz) Coordinates : 30-03-05 94-31-37

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-Tru	Dist. (km)	Req. (km)
KRXZ LIC	Erath LA	BLH980817KA	300C1 107.9	100. 263.0	30-12-06 91-46-37	85.7 SS	265.53 -4.47	270 SHORT
KRXZ PADD	Erath LA	RM8976	300C1 107.9	.0	29-59-38 91-43-45	90.7	269.97	270 CLOSE
Site Restriction 29.9km East								
KIXS LIC	Victoria TX	BLH860722KB	300C1 107.9	100. 110.0	28-46-03 96-59-11	239.7	277.90	270 CLEAR
KDXXFM LIC	Corsicana TX	BLH870616KA	300C1 107.9	100. 257.0	31-55-00 96-33-24	317.5	283.47	270 CLEAR
*To Channel 300A, Robinson, TX, per D97-91								
ALC	Robinson TX	Docket97-91	300A 107.9	.0	31-26-58 97-07-27	302.7	293.04	226 CLEAR
Site Restriction 2.3km South								
Effective 10-6-98-Reserved for KICI, per D97-91								

** End of separation study for channel 300C **

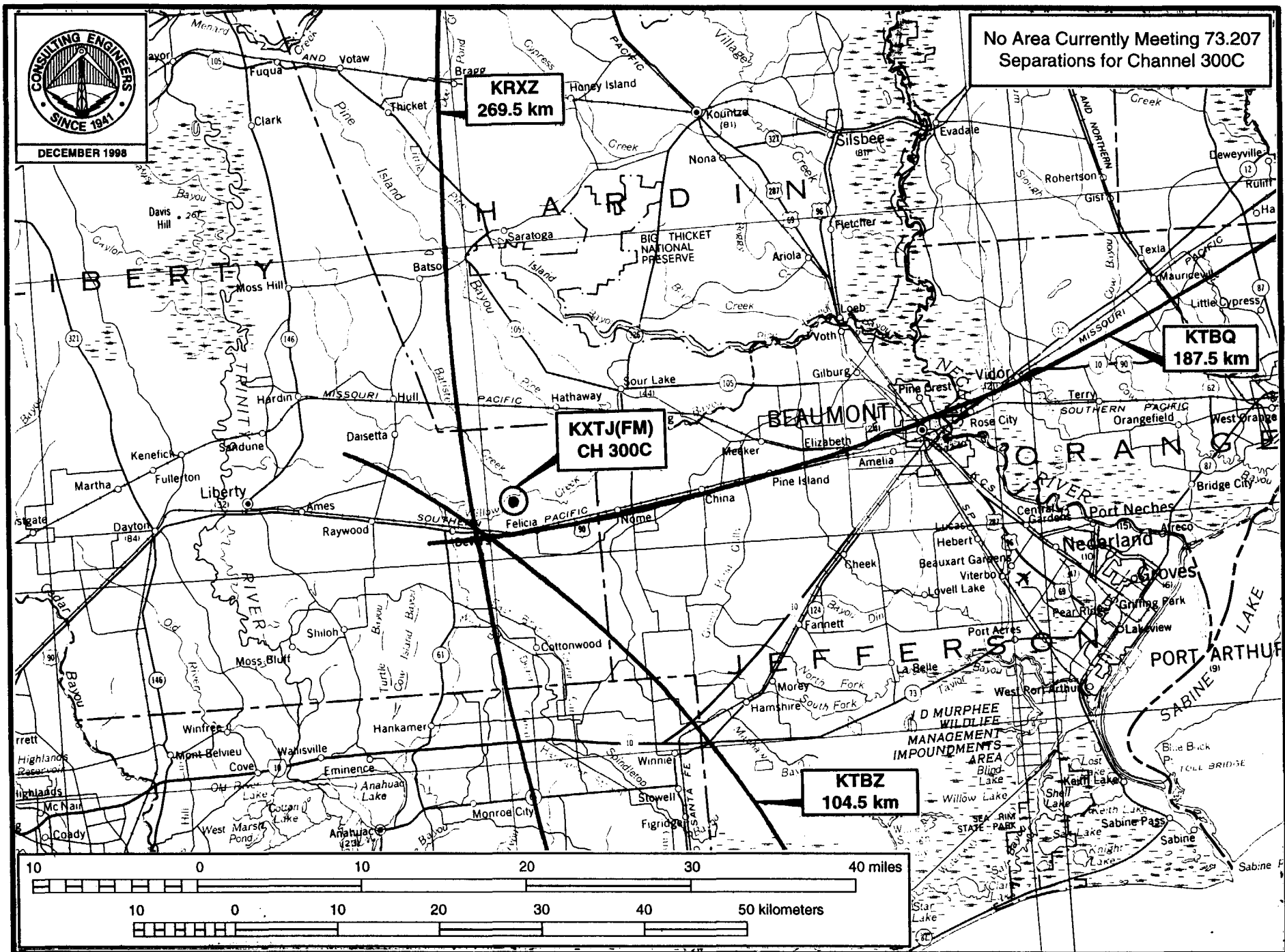
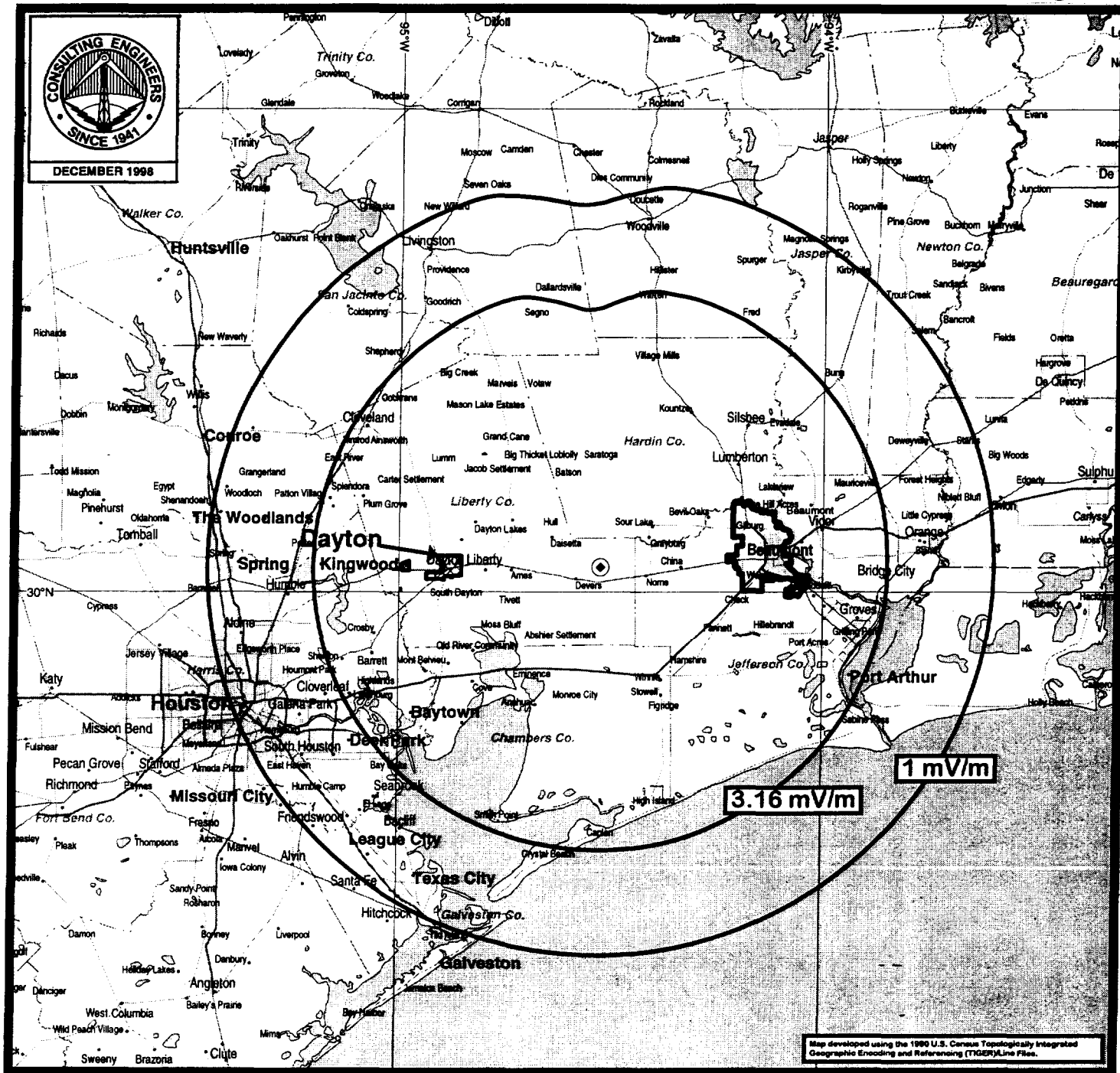


Figure 3

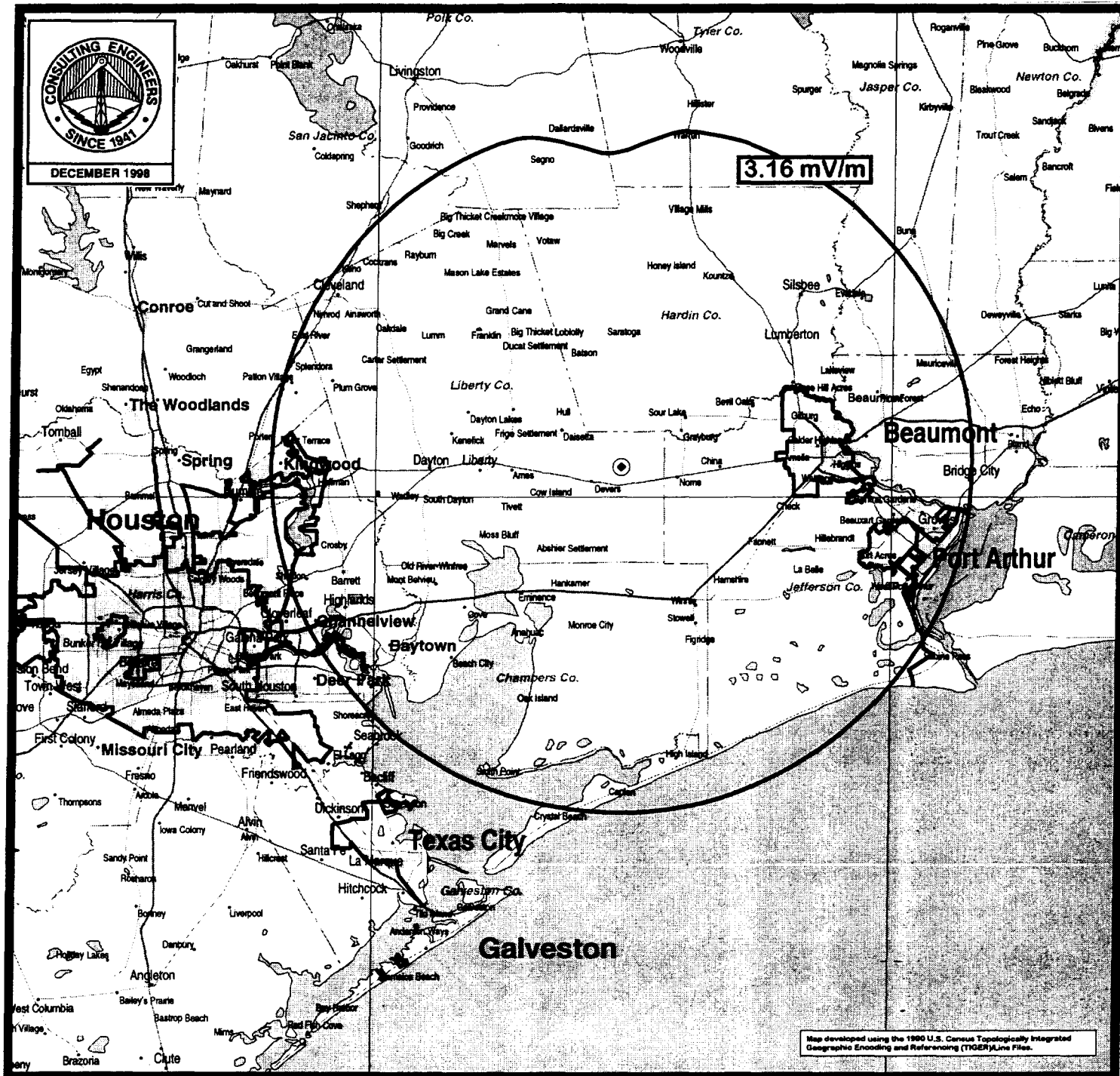


PREDICTED COVERAGE CONTOURS

STATION KXTJ (FM)
BEAUMONT, TEXAS
CH 300C 100 KW-DA 551 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4A



-20 0 20 40 60
Kilometres

PRESENT 3.16 mV/m
STATION KXTJ (FM)
BEAUMONT, TEXAS
CH 300C 100 KW-DA 551 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4B

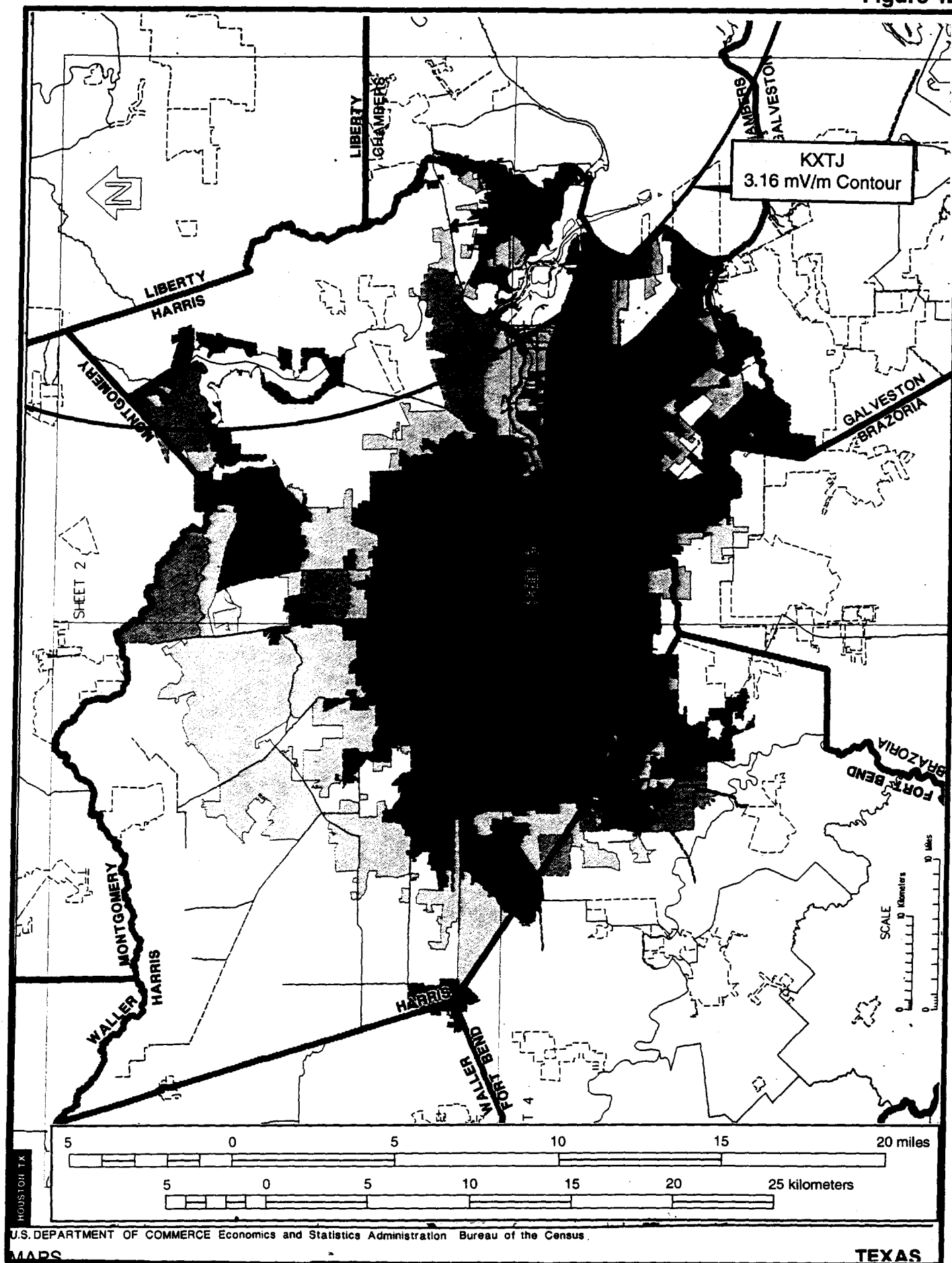


Figure 4C

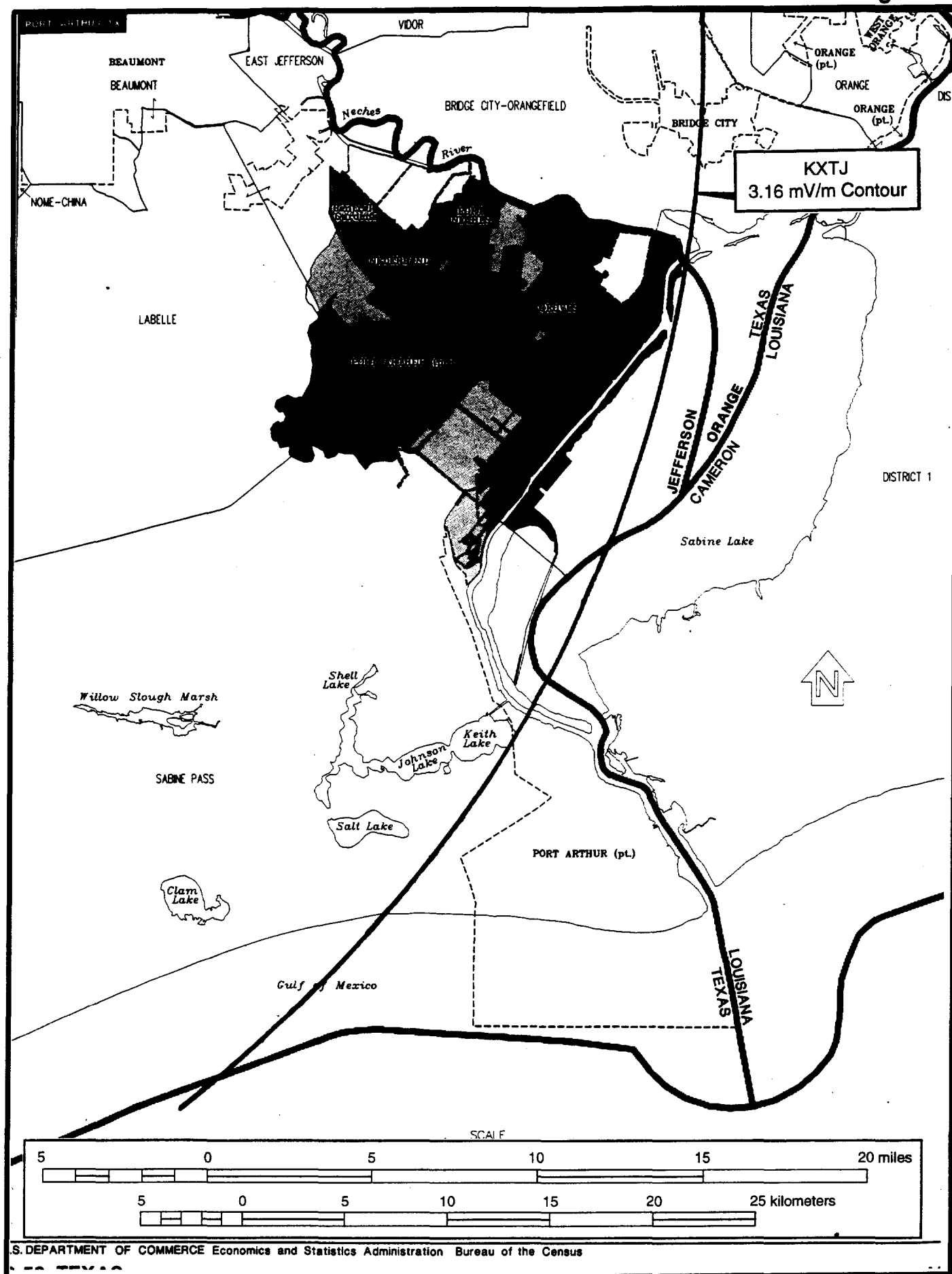


Figure 4D

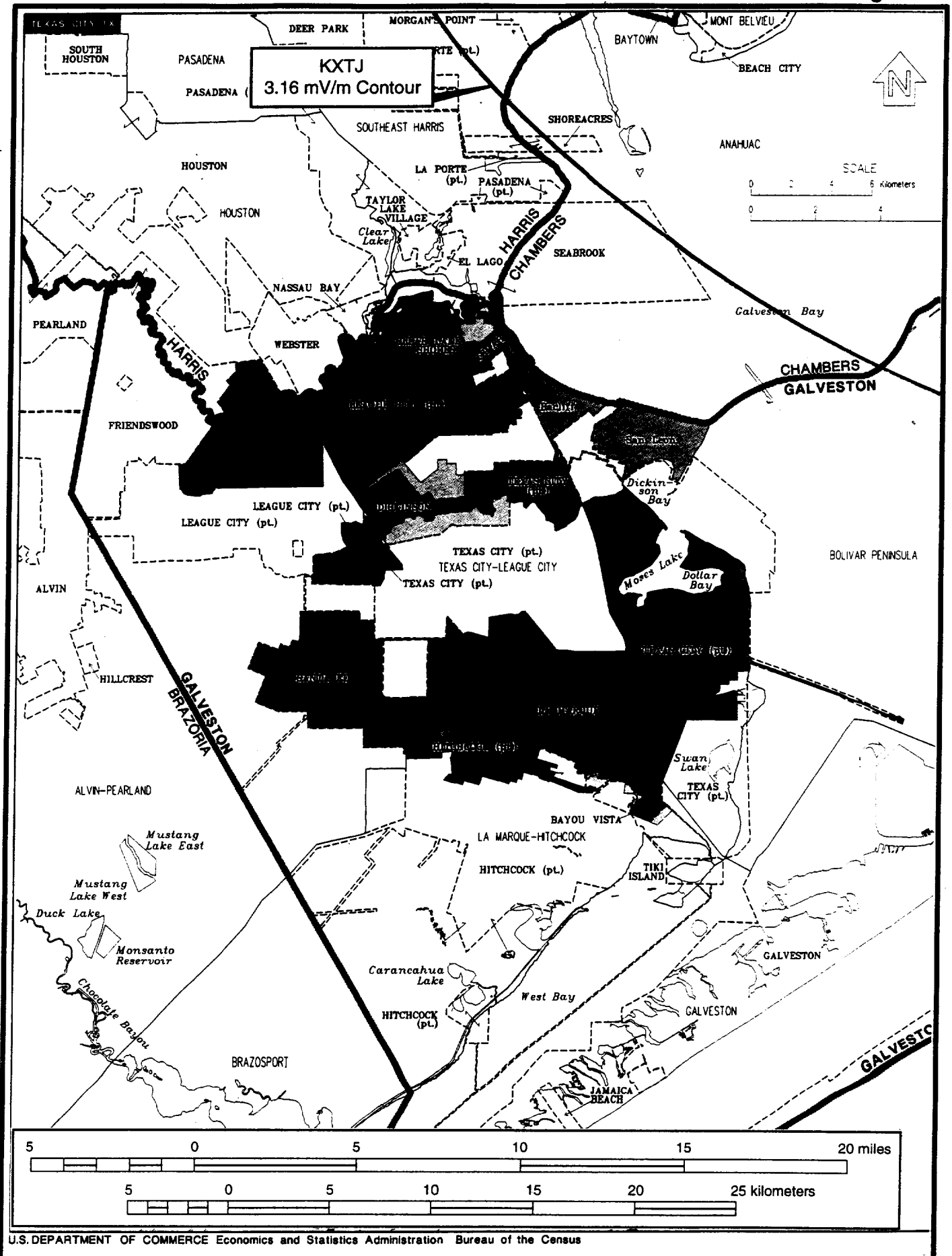


EXHIBIT 2



DAYTON, TEXAS

Whether you like a warm Gulf breeze or the serenity of a forest, Dayton, Texas offers the best of both worlds for quiet, country living.

Conveniently located on U.S. Highway 90 between Houston and Beaumont, Dayton is readily accessible for its residents to take advantage of big city opportunities without the headaches. Thanks to the completion of the new Highway 90, Dayton residents can reach Beltway 8 in minutes to drive to the office, attend a Rockets game, or enjoy shopping or dining in Houston.

Aside from Dayton's geographic advantage, the quality of life is second to none.

Dayton is a community where you will find excellent schools

with a staff who cares about the outcome of its students, and churches with friendly, open congregations.

According to the "Texas Crime Report" published by the Department of Public Safety, Dayton ranks in the top 10 "safe" places to live among towns its size in all of Texas.

Sportsmen will enjoy a quick trip to Galveston Bay for saltwater fishing or taking advantage of the opportunities found in or near Liberty County.

Set some time aside to visit Dayton and you will be convinced that Dayton is a "great place to live, work and play".

LOCATION

Distance from:	
Houston	39 mi.
Beaumont	46 mi.
Intercontinental Airport	28 mi.
New Orleans	316 mi.
Chicago	1,029 mi.
New York	1,517 mi.
Los Angeles	1,576 mi.

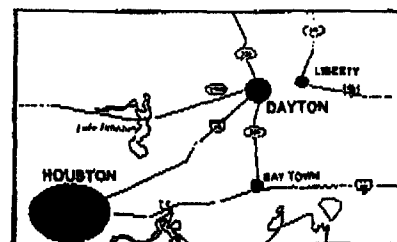
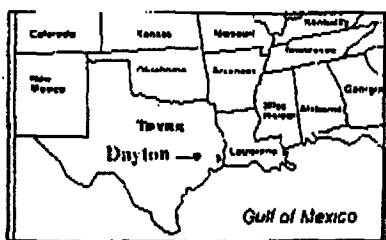
POPULATION

Year	City	County
1960	3,367	31,595
1970	3,804	33,014
1980	4,964	47,088
1990	5,151	52,728

TAXES

Sales Tax:	
State	6.25%
City	1.0%
County50%

Property Tax:	Assessment Ratio	Tax Rate per \$100
County	100%	.5740
City	100%	.6922
School	100%	1.2974



Income

1990 per capita income	\$9,574.00
1990 median household income	\$22,008.00

Labor

Estimated available males in 30 mile radius	15,028
Estimated available females in 30 mile radius	9,860
Annual number of high school graduates	192
Employed	90.4%
Unemployed	9.6%

Employment

By Industry	
Services	22%
Manufacturing	14%
Retail	25%
Construction	4%
Public Administration	24%
Mining	5%
Agricultural, Forestry, and Fisheries	2%
Finance, Real Estate and others	4%

Major Employers

Texas Dept. of Criminal Justice	Prison Units	1,100
Dayton ISD	Public School	450
Busby Construction	Industrial Construction	145
Insteel Wire	Foundation Wire	104
Sam's Distribution Center	Warehousing	80
Brookshire Brothers	Grocers	70
Baker Performance	Chemicals	68
Klemp Corporation	Steel Grates	64
Sunbelt Works	Structural Steel	60
Dayton State Bank	Banking	56
City of Dayton	Government	44
Thrift-Tee Food Center	Grocers	40
Tanner Construction	Construction	37
Boyce Industries	Coatings and Linings	34
Seaburg Industries	Rice and Cattle	20
First National Bank of Dayton	Banking	16
American Rice Growers	Rice processing	12

EDUCATION

Elementary

Schools:	2	Teachers:	130
Pupils:	2,148	Grades:	PK-6

Junior High

Schools:	1	Teachers:	45
Pupils:	620	Grades:	7-8

High School

Schools:	1	Teachers:	73
Pupils:	1,105	Grades:	9-12

Private Schools:

located in Atascocita, TX	24 miles to west
located in Cleveland, TX	28 miles north
located in Crosby, TX	18 miles west
located in Dayton, TX	5 miles west

Colleges: (within 80 miles)

Lee College	Baytown
N. Harris Community College	Kingwood
San Jacinto College	Houston
Rice University	Houston
Texas Southern University	Houston
University of Houston	Houston
Houston Baptist University	Houston
Sam Houston State University	Huntsville
Lamar University	Beaumont

Libraries: 1

Total volumes: 19,956

COMMUNITY FACILITIES

Churches

Protestant	30
Catholic	2

Medical

Clinics	3
Dentists	2

Hospitals

Baptist Hospital-Liberty
Northeast Medical Center-Humble
San Jacinto Methodist Hospital-Baytown
Gulf Coast Hospital-Baytown
BayCoast Hospital-Baytown
Charter Regional Hospital-Cleveland

• • • • •

- ## LIFESTYLE

Climate:
Annual average temperature 69°
Monthly averages: January 52° July 83°
Rainfall 49.6 inches
Snowfall Trace
Elevation 81 feet

United Parcel Service
U.S. Postal Service • Tex Pack Express • Federal Express

Dayton, Texas

Incentives

Texas has a pro-business attitude as shown by the absence of three taxes used elsewhere: a personal or corporate income tax; a state property tax; and a unitary form of taxation.

The Texas Department of Commerce and Texas public education institutions cooperate in the design and conducting of industrial start-up training programs. The programs are custom tailored to assure a highly trained and motivated labor force and is available on the day a new industry begins operations.

The State pays for instructors, equipment maintenance, supplies and for the recruitment, screening and testing of trainees for eligible projects. The company is reimbursed up to 50% of the training wages.

Among the financing assistance programs available in Texas are:

1. The SBA 504 Loan Program, which offers fixed asset loans below market value to successful small businesses planning expansions or relocations.
2. The SBA 7(a) Loan Program, which guarantees commercial lending institutions up to 90% for loans under \$155,000 and up to 85% for loans over this amount to small businesses. The loan may be used for working capital, fixed asset acquisition or lease-hold improvements.

3. The Farmers Home Administration guarantees up to 90% of loss of principal and interest on quality loans to businesses and industries in rural areas. Funds may be used for construction, modernization, or purchase of land, machinery or equipment.

4. The Texas Capital Fund CDBG program is a "gap filler" to encourage private development activities in cities not receiving Community Development Block Grant funds directly from the federal government. A city applies for a grant from \$50,000 to \$500,000, and awards are made on a statewide competitive basis. The grant is then lent to the project principals and ranges from 25 to 40% of the total project cost.

5. The State of Texas has several million dollars of committed but unspent CDBG funds that can be lent on an interim basis to a developer with ample letter of credit security. This is for short-term loans. Additionally, the state offers export financing assistance and federal CDBG loan programs.

Local governments may issue tax-exempt bonds for manufacturing projects as well as taxable bonds for industrial, commercial and manufacturing projects.

Other incentive programs available include the Texas Small Business Industrial Development Corporation, the Industrial Revenue Bonds, the possibility of property tax abatements and tax increment financing.

City of Dayton tax abatements could be available in instances where city policies are met.

ECONOMIC DEVELOPMENT CONTACTS

.....
Jeff Winter, General Manager
Liberty-Dayton Chamber of Commerce
409/336-5736

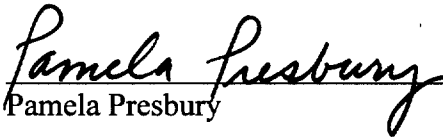
Larry Harris, Mayor
City of Dayton
409/258-2642

Robert Ewart
City Manager
409/258-2642

CERTIFICATE OF SERVICE

I, Pamela Presbury, a secretary in the law offices of Davis Wright Tremaine LLP, do hereby certify that a true copy of the foregoing "Petition for Rule Making" was hand delivered, this 4th day of January, 1999, to the following:

John A. Karousos, Chief,
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W., 5th Floor
Washington, DC 20554


Pamela Presbury